



***New York State Board for Professional Medical Conduct***

*433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863*

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
*Commissioner  
NYS Department of Health*

Dennis P. Whalen  
*Executive Deputy Commissioner  
NYS Department of Health*

Dennis J. Graziano, Director  
*Office of Professional Medical Conduct*

William P. Dillon, M.D.  
*Chair*

Denise M. Bolan, R.P.A.  
*Vice Chair*

Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

April 25, 2001

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Gai-Fu William Yang, M.D.  
133-25 41 RD #3A  
Flushing, New York 11355

RE: License No. 150918

Dear Dr. William Yang:

Enclosed please find Order #BPMC 01-24 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect April 25, 2001.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Michael S. Washor, Esq.  
260 Madison Avenue, 22nd Floor  
New York, NY 10016

Robert Bogan, Esq.

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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**IN THE MATTER**  
**OF**  
**GAI-FU WILLIAM YANG, M.D.**  
**CO-00-05-1943-A**

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**CONSENT**  
**AGREEMENT**  
**AND ORDER**  
BPMC No. 01-24

**GAI-FU WILLIAM YANG, M.D.**, (Respondent) deposes and says:

That on or about July 16, 1982, I was licensed to practice as a physician in the State of New York, having been issued License No. 150918 by the New York State Education Department.

My current address is 133-25 41<sup>st</sup> Road, Flushing, NY 11355 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address within thirty (30) days thereof.

I understand that the New York State Board of Professional Medical Conduct has issued Determination & Order #01-24 in connection with a Hearing conducted on December 14, 2000.

A copy of Determination & Order #01-24 is annexed hereto, made a part hereof, and marked as Exhibit "A."

I, hereby, agree to the following modifications of the sanction imposed by Determination & Order #01-24:

1. The three (3) year suspension of medical practice by Respondent as set forth by the Federal District Court for the Eastern District of New York shall remain in effect unless and until modified by the court.
2. A period of three (3) years probation of Respondent's license to practice medicine in New York State will commence upon completion of that

suspension imposed by the federal court.

3. During the three (3) year probation period Respondent will comply with all terms and conditions as required by the Office of Professional Medical Conduct (OPMC).
4. At the conclusion of the suspension by the federal court, whenever determined by the court to be completed, and prior to resuming practice of medicine in New York State, Respondent shall be required by OPMC to show he is qualified to resume active practice of medicine and successfully demonstrate clinical competence to engage in the practice of medicine.

That, except during periods of actual suspension, Respondent shall maintain active registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possess his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall

meet with a person designated by the Director of OPMC as directed.

Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC.

This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that I am charged with professional misconduct in the future, the agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

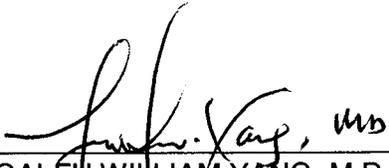
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement or to my attorney or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner, in consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of an appeal to the Administrative Review Board. I knowingly waive any right I may have to contest the Consent Order for which I, hereby, apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED: 3/16/01

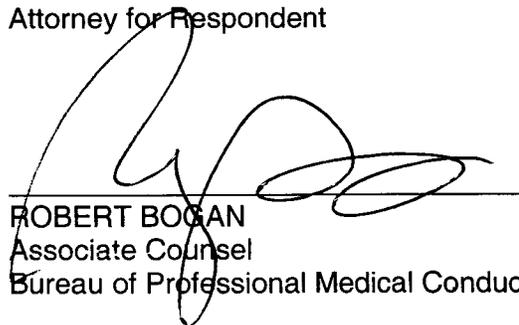
  
GAI-FU WILLIAM YANG, M.D.  
Respondent

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

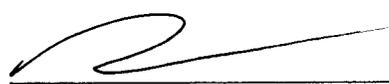
DATE: 3/16/01

  
MICHAEL S. WASHOR, ESQ  
Attorney for Respondent

DATE: 23 March 2001

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: April 10, 2001

  
DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER  
OF  
GAI-FU WILLIAM YANG, M.D.

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CONSENT  
ORDER

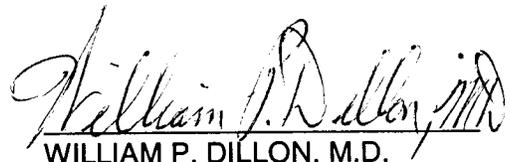
Upon the proposed agreement of **GAI-FU WILLIAM YANG, M.D.** (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 4/23/01



WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct

"Exhibit A"

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

**COPY**

**IN THE MATTER**  
**OF**  
**GAI-FU WILLIAM YANG, M.D.**

**DETERMINATION**

**AND**

**ORDER**

BPMC #01-24

A Commissioner's Order/Notice of Hearing, dated October 31, 2000, and a Statement of Charges, dated October 27, 2000, were served upon the Respondent, **GAI-FU WILLIAM YANG, M.D.**

**STEVEN GRABIEC, M.D.**, Chairperson, **STEVEN LAPIDUS, M.D.**, and **SR. MARY THERESA MURPHY**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on January 18, 2001, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, JR., ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent appeared in person and was represented by **MICHAEL WASHOR, ESQ.**, 260 Madison Avenue, New York, N.Y. 10016 and **SALVATORE C. ALOSCO, ESQ.**, 1623 Third Avenue, New York, N.Y. 10128.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

### STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a)(ii). A copy of the Commissioner's Order/Notice of Hearing and the Statement of Charges are attached to this Determination and Order as Appendix 1.

### WITNESSES

For the Petitioner:

NONE

For Respondent:

Augusta Alba, M.D.  
Josephine Cagara, R.N.  
Hai-Po Wang, M.D.  
Susan Yang (Mrs. Gai-Fu William Yang)  
Gai-Fu William Yang, M.D., the Respondent

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise specified.

1. **GAI-FU WILLIAM YANG, M.D.**, the Respondent, was authorized to practice medicine in New York State on July 16, 1982, by the issuance of license number 150918 by the New York State Education Department. (Pet's Ex. 5).

2. On June 30, 2000, in the United States District Court, Eastern District of New York, Respondent was found guilty of one count of a violation of 18 USC 1347, Defrauding Health Insurance Companies and Health Care Benefit Programs, and was sentenced to three (3) years probation with special conditions that include \$39,560.42 restitution, prohibition from practicing medicine during the term of probation, a \$50,000.00 fine, and a \$100.00 special assessment. (Pet's Ex. 6).

3. By Order, dated October 31, 2000, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of the New York state Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that Gai-Fu William Yang, M.D., has been

found guilty of committing an act constituting a felony under federal law in the United States District Court, Eastern District of New York.

The Commissioner ORDERED, "pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, Gai-Fu William Yang, M.D., Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is dependent on a valid New York State license to practice medicine. This order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Public Health Law Section 230(12)." (Pet's Ex. 1).

### **VOTE OF THE HEARING COMMITTEE**

#### **SPECIFICATION**

Respondent violated New York Education Law Section 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law.

**VOTE: SUSTAINED (3-0)**

### **HEARING COMMITTEE DETERMINATION**

The record in this case indicates that on June 30, 2000, in the United States District Court, Eastern District of New York, Respondent was found guilty of one count of a violation of 18 USC 1347, Defrauding Health Insurance Companies and Health Care Benefit Programs, and was sentenced to three (3) years probation with special conditions that include \$39,560.42 restitution, prohibition from practicing medicine during the term of probation, a \$50,000.00 fine, and a \$100.00 special assessment.

By ORDER, dated October 31, 2000, the New York State Commissioner of Health, ORDERED, that effective immediately, the Respondent shall not practice medicine in the State of New York.

The Respondent testified at the instant hearing and he was a credible witness. The Hearing Committee was impressed by his candor and admissions of past mistakes.

There are some mitigating factors in the record which the Hearing Committee has taken into consideration in determining the nature and severity of the penalty to be imposed upon the Respondent.

- The charges against the Respondent do not reflect on his competence as a physician.
- The current charges are the only charges against the Respondent in an otherwise unblemished record.
- The Respondent enjoys the reputation of being an excellent physician with many years of service to a Chinese and Taiwanese population in New York City. Many of his patients do not speak English.
- The Respondent has contributed a significant amount of his time and professional assistance to his community.
- The Hearing Committee is convinced that the Respondent is truly embarrassed and contrite regarding these charges.
- The Hearing Committee is convinced that there will be no repetition of this conduct by the Respondent.

After due consideration of the full spectrum of penalties available pursuant to statute, the Hearing Committee determines that the Respondent's license to practice medicine in the State of New York should be SUSPENDED for three (3) years, STAY THE

SUSPENSION and place the Respondent on probation under terms and conditions as specified hereinafter in the Order.

NOTE: The Hearing Committee has considered the options of a fine and community service, but since the Respondent already devotes a significant amount of his time and professional assistance to his community, the Hearing Committee determines that these options are not indicated in this case.

ORDER

**THEREFORE: IT IS HEREBY ORDERED THAT:**

1. The Respondent's license to practice medicine in New York State is SUSPENDED for three (3) years, suspension **STAYED**.

2. The Respondent is placed on probation for a period to run concurrent with his federal probation under the following terms and conditions:

- Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.

- Respondent shall obtain the services of a professional billing agency and shall not personally prepare bills for submission for payment.
- Respondent shall attend yearly courses on billing procedures, approved by the Office of Professional Medical Conduct.
- Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street, Suite 303, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
- Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
- The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of

probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.

- Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, including billing records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.
- Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
- Respondent shall comply with all of the terms and conditions of probation as prescribed by the Federal Court. The Respondent shall cause his federal probation officer to submit semi-annual reports to the Office of Professional Medical Conduct reporting on his compliance or failure to comply with any of the terms of his federal probation and report on any changes in the duration of his federal probation.

3. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to this Order and shall assume and bear all cost related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.



APPENDIX I

STATE OF NEW YORK DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
GAI-FU WILLIAM YANG, M.D.

COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
HEARING

TO: GAI-FU WILLIAM YANG  
133-25 41 RD. #3A  
Flushing, NY 11355

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that Gai-Fu William Yang, M.D., has been found guilty of committing an act constituting a felony under federal law in the United States District Court, Eastern District of New York.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, Gai-Fu William Yang, M.D., Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is dependent on a valid New York State license to practice medicine. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Public Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Public Health Law Section 230, and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 14<sup>th</sup> day of December, 2000 at 10:00 am in the forenoon at Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York 12180, and at such other adjourned dates, times, and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.



At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. Such evidence or sworn testimony shall be limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judges' Office, Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180, (518-402-0751), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT YOUR LICENSE TO  
PRACTICE MEDICINE IN NEW YORK STATE  
REVOKED OR SUSPENDED, AND/OR THAT  
YOU MAY BE FINED OR SUBJECT TO OTHER  
SANCTIONS SET FORTH IN NEW YORK PUBLIC  
HEALTH LAW SECTION 230-a. YOU ARE  
URGED TO OBTAIN AN ATTORNEY IN THIS  
MATTER.

DATED: Albany, New York

10/31, 2000



ANTONIA C. NOVELLO, M.D., M.P.H, Dr.P.H.  
Commissioner

Inquiries should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street Suite 303  
Troy, New York 12180  
(518) 402-0820

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
GAI-FU WILLIAM YANG, M.D.

STATEMENT  
OF  
CHARGES

GAI-FU WILLIAM YANG, M.D., the Respondent, was authorized to practice medicine in New York state on July 16, 1982, by the issuance of license number 150918 by the New York State Education Department.

**FACTUAL ALLEGATION**

A. On or about June 30, 2000, in the United States District Court, Eastern District of New York, Respondent was found guilty of one count of a violation of 18 USC 1347, Defrauding Health Insurance Companies and Health Care Benefit Programs, and was sentenced to three (3) years probation with special conditions that include \$39,580.42 restitution, prohibition from practicing medicine during the term of probation, a \$50,000.00 fine, and a \$100.00 special assessment.

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in paragraph A.

DATED: *October 27*, 2000  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct